

Original sponsor: Rules/Legislative Council

Offered: 4/5/82
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 591 (Judiciary) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making corrective amendments in the Alaska
7 Statutes as recommended by the revisor of statutes; and
8 providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 02.15.140 is amended to read:

11 Sec. 02.15.140. STATE FINANCIAL ASSISTANCE. The department may
12 grant or lend money, subject to the provisions of AS 02.15.060, 02.15.-
13 070 and 02.15.120, to any person or municipality or to municipalities
14 acting jointly for project costs relating to the planning, acquisition,
15 construction, improvement, maintenance, or operation of an airport owned
16 or controlled or to be owned or controlled by the municipality or muni-
17 icipalities or person. Grants or loans may be furnished in connection
18 with federal or other financial aid for the same purpose.

19 * Sec. 2. AS 03.60.005 is repealed.

20 * Sec. 3. AS 05.30.080 is amended to read:

21 Sec. 05.30.080. EQUIPMENT REQUIRED. (a) A snow vehicle is
22 required to contain the following equipment:

23 (1) brakes adequate to control the movement of and to stop
24 and to hold the vehicle under normal conditions of operation;

25 (2) at least one head lamp so aimed and of sufficient intens-
26 ity to reveal persons and objects at a distance of at least 100 feet
27 ahead during hours of darkness under normal atmospheric conditions;

28 (3) a throttle which, when released by the hand, will return
29 the engine speed to idle;

1 (4) an exhaust muffler in good working order [EXCEPT AT THE
2 OPERATOR'S OPTION WHEN PARTICIPATING IN AN EVENT PERMITTED UNDER AS 05.-
3 35].

4 (b) The provisions of (a)(4) of this section do not apply
5 to a snow vehicle while the vehicle is operated in a racing event
6 permitted under AS 05.35.

7 * Sec. 4 AS 08.04.680(4) is repealed.

8 * Sec. 5. AS 08.08.210(c) is repealed and reenacted to read:

9 (c) This section and AS 08.08.230 do not apply to the practice of
10 law for the legislature by a person employed by or under contract with
11 the legislature until the results are released of the third Alaska Bar
12 examination following that person's employment.

13 * Sec. 6. AS 08.36.280(a)(4) is amended to read:

14 (4) tenders and pays the fee prescribed in AS 08.36.290(9)
15 [AS 08.36.290(6)].

16 * Sec. 7. AS 08.48.071(c)(6) is amended to read:

17 (6) a report of significant developments in the field of
18 architecture, engineering, or land surveying of concern to the board.

19 * Sec. 8. AS 08.48.071(f) is amended to read:

20 (f) The Department of Commerce and Economic Development shall
21 assemble statistics relating to the performance of its staff and the
22 performance [THAT] of the board, including but not limited to,

23 (1) the number of architects, engineers, and land surveyors
24 registered over a five-year period;

25 (2) the rate of passage of examinations administered by the
26 board;

27 (3) the number of persons making application for registration
28 as a professional architect, engineer, or land surveyor over a five-year
29 period;

1 (4) an account of registration fees collected under AS 08.-
2 48.201(b);

3 (5) a measure of the correspondence workload of any licensing
4 examiner employed by the department to carry out this chapter [BOARD].

5 * Sec. 9. AS 08.80 is amended by adding a new section to read:

6 Sec. 08.80.260. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

7 The board may, after a hearing, impose a disciplinary sanction on a
8 person licensed under this chapter when the board finds that the person

9 (1) secured a license through deceit, fraud, or intentional
10 misrepresentation;

11 (2) engaged in deceit, fraud, or intentional misrepresenta-
12 tion in the course of providing professional services or engaging in
13 professional activities;

14 (3) advertised professional services in a false or misleading
15 manner;

16 (4) has been convicted of a felony or other crime that affects
17 his ability to continue to practice competently and safely;

18 (5) intentionally or negligently engaged in or permitted the
19 performance of patient care by persons under his supervision that does
20 not conform to minimum professional standards regardless of whether
21 actual injury to the patient occurred;

22 (6) failed to comply with this chapter, with a regulation
23 adopted under this chapter, or with an order of the board;

24 (7) continued to practice after becoming unfit due to

25 (A) professional incompetence;

26 (B) failure to keep informed of or use current pro-
27 fessional theories or practices;

28 (C) addiction or severe dependency on alcohol or a drug
29 that impairs his ability to practice safely;

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(D) physical or mental disability;

(8) engaged in lewd or immoral conduct in connection with the delivery of professional service to patients;

(9) made a controlled substance available to a person except upon prescription issued by a person licensed to prescribe controlled substances;

(10) was convicted of selling federal legend drugs without the prescription of a person licensed to prescribe federal legend drugs;

(11) violated state or federal regulations pertaining to the provision of adequate security for dangerous drugs.

* Sec. 10. AS 08.80 is amended by adding a new section to read:

Sec. 08.80.265. DISCIPLINARY SANCTIONS. (a) When it finds that a licensee is guilty of an offense under AS 08.80.260, the board may impose the following sanctions singly or in combination:

- (1) permanently revoke a license;
- (2) suspend a license for a determinate period of time;
- (3) censure a licensee;
- (4) issue a letter of reprimand;
- (5) place a licensee on probationary status and require the licensee to

(A) report regularly to the board upon matters involving the basis of probation;

(B) limit practice to those areas prescribed;

(C) continue professional education until a satisfactory degree of skill has been attained in those areas determined by the board to need improvement;

(6) impose limitations or conditions on the practice of a licensee.

(b) The board may withdraw probationary status if it finds that

1 the deficiencies that required the sanction have been remedied.

2 (c) The board may summarily suspend a license before final hearing
3 or during the appeals process if the board finds that the licensee poses
4 a clear and immediate danger to the public health and safety if he
5 continues to practice. A person whose license is suspended under this
6 section shall be entitled to a hearing by the board no later than seven
7 days after the effective date of the order. The person may appeal the
8 suspension after a hearing to a court of competent jurisdiction.

9 (d) The board may reinstate a license that has been suspended or
10 revoked if the board finds after a hearing that the applicant is able to
11 practice with skill and safety.

12 (e) The board shall seek consistency in the application of disci-
13 plinary sanctions, and significant departure from prior decisions involv-
14 ing similar situations shall be explained in findings of fact or orders.

15 * Sec. 11. AS 08.88.475(b) is amended to read:

16 (b) If the \$50,000 liability of the fund as provided in (a) of
17 this section is insufficient to pay in full the valid claims of all
18 persons who have filed claims against one broker or salesman, the
19 \$50,000 shall be distributed among the claimants in the ratio that their
20 individual claims bear to the aggregate of valid claims, or in another
21 manner that the commission [COURT] considers equitable. Distribution
22 shall be among the persons entitled to share in the recovery, without
23 regard to the order of priority in which [THEIR JUDGMENTS WERE OBTAINED
24 OR] their claims were filed.

25 * Sec. 12. AS 08.98.040 is amended to read:

26 Sec. 08.98.040. BOARD MEETINGS. The board shall hold at least
27 three [ANNUAL] meetings each year. The board may hold special meetings
28 at the call of the chairman or of a majority of the members. A majority
29 of board members constitutes a quorum and a majority vote of those

1 present is the decision of the board.

2 * Sec. 13. AS 09.16.010(f) is amended to read:

3 (f) This chapter does not impair any right of [OR] indemnity under
4 existing law. If one tortfeasor is entitled to indemnity from another,
5 the right of the indemnity obligee is for indemnity and not contribution,
6 and the indemnity obligor is not entitled to contribution from the
7 obligee for any portion of his indemnity obligation.

8 * Sec. 14. AS 09.25.220 is amended to read:

9 Sec. 09.25.220. DEFINITIONS. In AS 09.25.150 - 09.25.220 [THIS
10 CHAPTER], unless the context otherwise requires,

11 (1) "privilege" means the conditional privilege granted to
12 public officials and reporters to refuse to testify as to a source of
13 information;

14 (2) "public official" means a person elected to a public
15 office created by the constitution or laws of this state, whether execu-
16 tive, legislative or judicial, and who was holding that office at the
17 time of the communication for which privilege is claimed;

18 (3) "reporter" means a person regularly engaged in the busi-
19 ness of collecting or writing news for publication, or presentation to
20 the public, through a news organization; it includes persons who were
21 reporters at the time of the communication, though not at the time of
22 the claim of privilege;

23 (4) "news organization" means

24 (A) an individual, partnership, corporation or other
25 association regularly engaged in the business of

26 (i) publishing a newspaper or other periodical that
27 [WHICH] reports news events, is issued at regular intervals
28 and has a general circulation;

29 (ii) providing newsreels or other motion picture

1 news for public showing; or

2 (iii) broadcasting news to the public by wire, radio,
3 television or facsimile; [,]

4 (B) a press association or other association in indivi-
5 duals, partnerships, corporations, or other associations described
6 in A(i), (ii), or (iii) [(4)(A) (i), (ii), OR (iii)] of this para-
7 graph [SECTION] engaged in gathering news and disseminating it to
8 its members for publication.

9 * Sec. 15. The following laws are repealed: AS 09.55.240(c) and 09.55.-
10 420(b).

11 * Sec. 16. AS 09.65.132(c) is amended to read:

12 (c) An obligee or person or public agency designated to receive
13 support payments may request an income assignment order to take effect
14 by alleging in a sworn statement that the obligor has failed to make a
15 support payment in full within 45 days of the date the payment was due
16 and by filing that statement with the court.

17 * Sec. 17. AS 09.65.132(e) is repealed and reenacted to read:

18 (e) The obligee or person or public agency that requested the
19 income assignment order shall immediately send a copy of the income
20 assignment order by certified mail to persons who may owe money to an
21 obligor. An income assignment order made under this section is binding
22 upon a person, employer, political subdivision, or department of the
23 state immediately upon receipt of a copy of the income assignment order.

24 * Sec. 18. AS 10.05.711(a)(2) is amended to read:

25 (2) for filing amendatory or supplemental articles that
26 [WHICH DO NOT] increase the capital stock, or for filing a certificate
27 of increase of capital stock, a fee established by the department by
28 regulation subject to AS 10.05.773 based on the amount of change in the
29 authorized stock of the corporation.

1 * Sec. 19. AS 11.56.240(2)(B) is amended to read:

2 (B) a statement knowingly given under penalty of perjury
3 under AS 09.63.020 [AS 09.65.012].

4 * Sec. 20. AS 11.61.140(b) is amended to read:

5 (b) It is a defense to a prosecution under (a)(1) or (a)(2) of
6 this section that the conduct of the defendant

7 (1) conformed to accepted veterinary practice;

8 (2) was part of scientific research governed by accepted
9 standards; or

10 (3) was necessarily incident to lawful hunting or trapping
11 activities.

12 * Sec. 21. AS 12.25.080 is repealed.

13 * Sec. 22. AS 12.55.135(c) is amended to read:

14 (c) A defendant convicted of assault in the fourth [THIRD] degree
15 committed in violation of the provisions of an order issued under AS 09.-
16 55.600 or 09.55.610 shall be sentenced to a minimum term of imprisonment
17 of 10 days. The execution of sentence may not be suspended and probation
18 or parole may not be granted until the minimum term of imprisonment has
19 been served. Imposition of sentence may not be suspended, except upon
20 condition that the defendant be imprisoned for no less than the minimum
21 term of imprisonment provided in this section, and the minimum sentence
22 provided for in this section may not be otherwise reduced.

23 * Sec. 23. AS 12.55.140 is repealed.

24 * Sec. 24. AS 14.07.020(11) is amended to read:

25 (11) review plans for construction of [AND] new public elemen-
26 tary and secondary schools and for additions to and major rehabilitation
27 of existing public elementary and secondary schools and, in accordance
28 with regulations adopted by the department, determine the extent of
29 eligibility for state aid of a school construction project begun after

1 July 1, 1978; for purposes of this paragraph, a "plan" includes educa-
2 tional specifications, schematic designs, and final contract documents;

3 * Sec. 25. AS 14.07.050 is amended to read:

4 Sec. 14.07.050. SELECTION OF TEXTBOOKS. [(a)] Textbooks for use
5 in the public schools of the state shall be selected by district boards
6 for district schools [AND BY A STATE SCHOOLS TEXTBOOK COMMITTEE AP-
7 POINTED BY THE DIRECTOR FOR STATE SCHOOLS. SELECTIONS OF THE STATE
8 SCHOOLS TEXTBOOK COMMITTEE SHALL BE SUBMITTED TO THE BOARD OF DIRECTORS
9 FOR STATE-OPERATED SCHOOLS FOR APPROVAL OR REJECTION.

10 (b) HOWEVER, A DISTRICT MAY ELECT TO ADOPT THE SELECTIONS OF THE
11 STATE SCHOOLS TEXTBOOK COMMITTEE].

12 * Sec. 26. AS 14.17.041(f)(2) is amended to read:

13 (2) in districts with ADM of 3,000 or more, one instructional
14 unit for each 11 special education pupils or fraction of 11 [14] pupils
15 in ADM.

16 * Sec. 27. AS 14.17.051(5) is amended to read:

17 (5) for [COPPER RIVER SCHOOL DISTRICT,] Cordova City School
18 District, Valdez City School District, and Haines Borough School Dis-
19 trict, the district or area is entitled to receive 115 percent of the
20 base instructional unit allotment;

21 * Sec. 28. AS 14.17.056 is amended to read:

22 Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-
23 tional unit value for fiscal years beginning on or after July 1, 1982,
24 is \$42,450. The base instructional unit value for the fiscal year
25 beginning July 1, 1981, is \$38,590.

26 * Sec. 29. AS 14.25.115(a) is amended to read:

27 (a) A teacher in membership service on or after July 1, 1977
28 who is appointed to retirement on or after July 1, 1978 may elect to
29 apply his unused sick leave credit in computing the total number of

1 years of credited [CREDITABLE] service under AS 14.25.110 [AS 14.25.-
2 120(c)(1) AND (4)]. To obtain service credit for unused sick leave, a
3 teacher must apply to the administrator no later than one year after
4 appointment to retirement. Unused sick leave shall be credited on a
5 day-for-day basis in accordance with the table for service after July 1,
6 1969 contained in AS 14.25.220(40)(J) [AS 14.25.220(16)]. No teacher
7 contributions may be required for credited unused sick leave.

8 * Sec. 30. AS 14.40.160(b) is amended to read:

9 (b) The Board of Regents [BOARD] may determine the time and place
10 of its meetings. However, 30 days notice is required for all regular
11 meetings and 10 days notice is required for special meetings of the
12 Board of Regents [BOARD], its committees or subcommittees called under
13 the bylaws or rules of procedure of the Board of Regents [BOARD].
14 Emergency meetings may be called without notice.

15 * Sec. 31. AS 14.40.751(b) and (c) are repealed.

16 * Sec. 32. AS 15.07.090(d) is amended to read:

17 (d) A person who claims he is a registered voter, but for whom no
18 evidence of registration in the precinct can be found, shall be granted
19 the right to vote in the same manner as that of a questioned voter and
20 his ballot shall be treated in the same manner. The ballot shall be con-
21 sidered to be a "questioned ballot" and shall be so designated. The
22 director [LIEUTENANT GOVERNOR] or his representative shall determine
23 whether the voter is registered in the election district before counting
24 the ballot. A voter who has failed to obtain a transfer as provided in
25 (c) of this section shall vote a "questioned ballot" in his precinct of
26 residence.

27 * Sec. 33. AS 15.07.200 is amended to read:

28 Sec. 15.07.200. REGISTRATION SUPERVISION. The registration program
29 is under the supervision of the director in accordance with AS 15.10.105

1 [AS 15.10.110].

2 * Sec. 34. AS 15.10.180 is amended to read:

3 Sec. 15.10.180. APPOINTMENT OF PARTY REPRESENTATIVES FOR STATE
4 BALLOT COUNTING REVIEW [CANVASS]. The director shall appoint two persons
5 from each political party to participate in the state ballot counting
6 review [CANVASSING OF THE VOTE]. Each person who is appointed and
7 serves is entitled to compensation as provided in AS 15.15.380. Each
8 political party may present to the director a list of three or more
9 names from which he shall select the persons to represent the party.
10 The list of names may be submitted in writing at least 30 days before
11 the date of the election. The persons to represent the party on the
12 state ballot counting review [CANVASSING] board may be selected by the
13 state party central committee or in any other manner prescribed by the
14 bylaws of the party. The list of names shall be certified by the chair-
15 man of the state central committee of the party or by the person autho-
16 rized by the party bylaws to act in the absence of the chairman.

17 * Sec. 35. AS 15.13.060(c) is amended to read:

18 (c) Each candidate for state office shall file the name and address
19 of the campaign treasurer with the commission, or submit, in writing,
20 the name and address of the campaign treasurer to the director [LIEU-
21 TENANT GOVERNOR] for filing with the commission, no later than 15 days
22 after the date of filing his declaration of candidacy or his nominating
23 petition. Each candidate for municipal office shall file the name and
24 address of the campaign treasurer with the commission no later than
25 seven days after the date of filing his declaration of candidacy or his
26 nominating petition. If the candidate does not designate a campaign
27 treasurer, the candidate is the campaign treasurer.

28 * Sec. 36. AS 15.15 is amended by adding a new section to read:

29 Sec. 15.15.210. QUESTIONING OF VOTERS OF SUSPECT QUALIFICATION.

1 Every election judge and election clerk shall question, and every watcher
2 and any other person qualified to vote in the precinct may question a
3 person attempting to vote if the questioner has good reason to suspect
4 that the questioned person is not qualified to vote. All questions re-
5 garding a person's qualifications to vote shall be made in writing
6 setting out the reason the person has been questioned. A questioned per-
7 son before voting shall subscribe to an oath or affirmation in a form
8 provided by the director attesting to the fact that in each particular
9 the person meets all the qualifications of a voter, that he is not dis-
10 qualified, and that he has not voted at the same election. He shall also
11 state the place from which he came immediately before living in the pre-
12 cinct in which he now offers to vote, and the length of time of his resi-
13 dence in the former place. After the questioned person has executed the
14 oath or affirmation, the person may vote. If the questioned person re-
15 fuses to execute the oath or affirmation, the person may not vote.

16 * Sec. 37. AS 15.20 is amended by adding a new section to read:

17 Sec. 15.20.220. PROCEDURE FOR STATE REVIEW. (a) When the direc-
18 tor and appointed party representatives have completed the review of
19 ballots cast at the voting precincts, they shall proceed to review the
20 absentee and questioned ballot votes certified by the district counting
21 boards. The review of the absentee and questioned ballot vote certified
22 by the district counting boards shall be accomplished by reviewing the
23 tallies of the recorded vote to check for mathematical error and by
24 comparing the totals with the election certificate of results.

25 (b) The state review board shall review and count absentee and
26 questioned ballots that have been forwarded to the director and that
27 have not been reviewed or counted by a district counting board. Absen-
28 tee and questioned ballots not received in the office of the director by
29 4:00 p.m. on the 15th day following the election may not be counted in

1 the review.

2 * Sec. 38. AS 15.40.130 is amended to read:

3 Sec. 15.40.130. GENERAL PROVISION FOR CONDUCT OF SPECIAL ELECTION.

4 Unless specifically provided otherwise, all provisions regarding the
5 conduct of the general election shall govern the conduct of the special
6 election of United States senators, including, but not limited to,
7 provisions concerning voter qualifications; provisions regarding the
8 duties, powers, rights and obligations of the director, of other elec-
9 tion officials, and of cities and organized boroughs; provision for
10 notification of the election; provision for payment of election expenses;
11 provisions regarding employees being allowed time from work to vote;
12 provisions for the counting, reviewing [CANVASSING], and certification
13 of returns; provisions for the determination of the votes and of
14 recounts, contests, and appeal; and provision for absentee voting.

15 * Sec. 39. AS 16.05.407(a) is amended to read:

16 (a) It is unlawful for a nonresident to hunt, pursue, or take
17 brown bear, grizzly bear, polar bear, or sheep in this state, unless
18 personally accompanied by a person who is licensed as a master guide,
19 registered guide, or assistant guide by the Guide Licensing and Control
20 Board [DEPARTMENT], or who is personally accompanied by a resident
21 Alaskan over 19 years of age who is the spouse of or is related by blood
22 within and including the second degree of kindred. A person who applies
23 for a nonresident big game tag for the taking of an animal specified in
24 this section shall first furnish to the state, on a form provided by the
25 state, an affidavit showing that he will be accompanied in his hunt by a
26 person who is qualified under the terms of this section. A person who
27 falsifies the required affidavit is guilty of perjury.

28 * Sec. 40. AS 16.05.407(b) is amended to read:

29 (b) It is unlawful for a nonresident to import polar bear into

1 this state unless personally accompanied by a person who is licensed as
2 a master guide, registered guide, or assistant guide by the Guide
3 Licensing and Control Board [DEPARTMENT].

4 * Sec. 41. AS 16.51.180(6) is repealed and reenacted to read:

5 (6) "value" means the actual price paid for the seafood,
6 including indirect costs such as fuel, supplies, or gear, whether paid
7 at the time of purchase or tendered as a deferred or delayed payment,
8 except that "value" means the market value of the seafood if the seafood
9 is taken in company-owned or company-subsidized boats or in boats that
10 are operated under lease or other contractual arrangement.

11 * Sec. 42. AS 18.07.071(c) is amended to read:

12 (c) A temporary certificate granted under [(a) AND] (b) of this
13 section confers no vested rights on behalf of the applicant. The office
14 shall impose those special limitations and restrictions concerning
15 duration and right of extension which the office considers appropriate.
16 No temporary certificate may be granted for a period longer than neces-
17 sary for the sponsor to obtain review of the action certified by the
18 temporary certificate under AS 18.07.051. Application for a certificate
19 of need under AS 18.07.041 must commence within 60 days of the date of
20 issuance of the temporary certificate.

21 * Sec. 43. AS 18.07.111 is amended by adding a new paragraph to read:

22 (12) "certificate" means a certificate of need issued by the
23 office under AS 18.07.041 or AS 18.07.071.

24 * Sec. 44. AS 18.26.170 is amended to read:

25 Sec. 18.26.170. INVESTMENTS BY AUTHORITY. Except as otherwise
26 provided by this chapter, the authority may invest any funds, not needed
27 to meet current cash expenditure needs, in securities, obligations or
28 certificates of deposit approved for investment of the state treasury
29 surplus under [AS DEFINED IN] AS 37.10.070(a)(1) - (4). These invest-

1 ments [ANY SUCH SECURITIES] shall be purchased at no higher price than
2 the offering or market price of them at the time of the purchase.

3 * Sec. 45. AS 18.35.100(a) is repealed.

4 * Sec. 46. AS 18.35.200 is amended to read:

5 Sec. 18.35.200. TOILET FACILITIES REQUIRED. An owner of public
6 facilities or sponsor of special events open to the general public shall
7 where practical provide and maintain at the facilities or events sani-
8 tary toilet accommodations for public use whether the facilities or
9 events are permanent or temporary. [AN OWNER OF A PERMANENT FACILITY IN
10 OPERATION ON AUGUST 1, 1974 HAS TWO YEARS FROM THAT DATE TO COMPLY WITH
11 THE REQUIREMENT OF THIS SECTION.] No charge may be required for use of
12 a toilet facility in any public place.

13 * Sec. 47. AS 18.55.020(b) is amended to read:

14 (b) The term of office of a board member, other than the commis-
15 sioner of commerce and economic development or his designee, is three
16 years. The terms of office are staggered [, WITH TWO TERMS EXPIRING
17 EVERY THIRD YEAR BEGINNING WITH 1968, AND ONE TERM EXPIRING EACH REMAIN-
18 ING YEAR].

19 * Sec. 48. AS 18.65.310(a) is amended to read:

20 (a) Upon payment of a \$5 fee, the Department of Public Safety
21 shall issue a card identical to the motor vehicle operator's license
22 provided for in AS 28.15.111 [AS 28.15.080], except that the card shall
23 be of a different color and shall state in bold type letters across the
24 face of it that it is for identification purposes only.

25 * Sec. 49. AS 18.80.060 is repealed and reenacted to read:

26 Sec. 18.80.060. POWERS AND DUTIES OF THE COMMISSION. (a) In
27 addition to the other powers and duties prescribed by this chapter the
28 commission shall

29 (1) appoint an executive director approved by the governor;

1 (2) hire other administrative staff as may be necessary to
2 the commission's function;

3 (3) exercise general supervision and direct the activities of
4 the executive director and other administrative staff;

5 (4) accept complaints under AS 18.80.100;

6 (5) study the problems of discrimination in all or specific
7 fields of human relationships, and foster through community effort or
8 goodwill, cooperation and conciliation among the groups and elements of
9 the population of the state, and publish results of investigations and
10 research as in its judgment will tend to eliminate discrimination because
11 of race, religion, color, national ancestry, physical handicap, age,
12 sex, marital status, changes in marital status, pregnancy or parenthood;

13 (6) make an overall assessment, at least once every three
14 years, of the progress made toward equal employment opportunity by every
15 department of state government; results of the assessment shall be
16 included in the annual report made under AS 18.80.150.

17 (b) In addition to other powers and duties prescribed by this
18 chapter, the commission may

19 (1) delegate to the executive director all powers and duties
20 given it by this chapter except the duties and powers given it by AS 18.-
21 80.120 and 18.80.130;

22 (2) call upon the departments and agencies of the state, with
23 the approval of the governor, for cooperation and assistance in carrying
24 out this chapter;

25 (3) hold hearings under AS 18.80.120.

26 (c) A commissioner or an employee authorized by the commission may
27 administer oaths, certify to all official acts, and issue subpoenas,
28 subpoenas duces tecum and other process to compel the attendance of
29 witnesses and the production of testimony, records, papers, accounts,

1 and documents in any inquiry, investigation, hearing, or proceeding
2 before the commission in the state. The commission, a commissioner,
3 or an employee authorized by the commission may petition a court of
4 this state to enforce its subpoenas, subpoenas duces tecum, and other
5 process.

6 * Sec. 50. AS 19.30.080 is repealed and reenacted to read:

7 Sec. 19.30.080. CONSTRUCTION STANDARDS AND MAINTENANCE. An access
8 road constructed under AS 19.30.060 - 19.30.100 shall be of low standard,
9 not necessarily suitable for all weather use. The state is not under
10 obligation to maintain an access road constructed under AS 19.30.060 -
11 19.30.100. If an access road is constructed outside a municipality that
12 has zoning ordinances, the right-of-way width for the road shall be
13 determined by the division of lands and the Department of Transportation
14 and Public Facilities. If an access road is constructed within the
15 boundaries of a municipality that has zoning ordinances, the right-of-
16 way width shall conform to the subdivision control ordinances of the
17 municipality. Contracts for the work on an access road shall be awarded
18 to the lowest responsible bidder qualified to contract with the state.

19 * Sec. 51. AS 19.40.100(b) is amended to read:

20 (b) "Industrial or commercial traffic" [TRAVEL"] means

21 (1) travel necessary and related to resource exploration and
22 development or to support of those activities, if the individual engaged
23 in those activities has all necessary permits; [OR]

24 (2) travel necessary and related to access by local residents
25 to their property; or

26 (3) motor carriers engaged in commerce which are common
27 carriers or contract carriers regulated by the Alaska Transportation
28 Commission under AS 42.10.

29 * Sec. 52. AS 19.65.010 is repealed.

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* Sec. 53. AS 22.05.140(a) is amended to read:

(a) The monthly salary of [THE CHIEF JUSTICE AND OF] each [ASSOCIATE] justice is equal to Step F, Range 30 of the salary schedule in AS 39.27.011(a) for Juneau, Alaska.

* Sec. 54. AS 22.05.140(c) is amended to read:

(c) In addition to annual salary, [THE CHIEF JUSTICE AND] each [ASSOCIATE] justice is entitled to receive a geographic cost-of-living adjustment, based on the location of his primary office assignment, equal to 3.5 percent of his annual salary times the number of pay step increases provided under AS 39.27.020 for a state employee working in the same election district in those districts for which AS 39.27.020 specified zero-to-five pay step increases. In an election district for which AS 39.27.020 specifies more than five pay steps, the number of pay step increases under this section is limited to five. Any retirement benefits to which a [THE CHIEF JUSTICE OR AN ASSOCIATE] justice may be entitled shall be computed only on the annual salary.

* Sec. 55. AS 22.15.030(a) is amended by adding a new paragraph to read:

(11) over civil actions for taking utility service and for damages to or interference with a utility line filed under AS 42.20.030.

* Sec. 56. AS 22.30.015 is amended to read:

Sec. 22.30.015. TERM OF OFFICE. The term of office for a commission member is four years. [UPON INITIAL APPOINTMENT, THE JUSTICE OF THE SUPREME COURT SERVES FOUR YEARS, ONE SUPERIOR COURT JUDGE SERVES THREE YEARS AND THE OTHER SERVES FOR TWO YEARS, ONE DISTRICT COURT JUDGE SERVES FOR FOUR YEARS AND THE OTHER SERVES FOR THREE YEARS, ONE MEMBER OF THE BAR SERVES FOR TWO YEARS AND THE OTHER SERVES FOR ONE YEAR, AND ONE OF THE LAYMEN SERVES FOR FOUR YEARS AND THE OTHER SERVES FOR ONE YEAR].

* Sec. 57. AS 23.10.130 is repealed and reenacted to read:

1 Sec. 23.10.130. STATUTE OF LIMITATIONS. An action for unpaid
2 minimum wages, unpaid overtime compensation, or liquidated damages under
3 AS 23.10.050 - 23.10.150 is forever barred unless it is started within
4 two years after the cause of action accrues. For the purposes of this
5 section an action is considered to be started on the date when the
6 complaint is filed.

7 * Sec. 58. AS 23.10.355 is amended to read:

8 Sec. 23.10.355. PERSONS UNDER 19. No person under 19 may be
9 employed or allowed to sell or serve alcoholic beverages [INTOXICATING
10 LIQUORS] or to work in any room or other place where alcoholic beverages
11 [INTOXICATING LIQUORS] are sold for consumption on the premises, except
12 as provided in AS 04.16.049(c) [AS 04.15.020(h)].

13 * Sec. 59. AS 23.20.030(c) is repealed.

14 * Sec. 60. AS 23.20.195(c) is repealed and reenacted to read:

15 (c) Penalties collected under this section shall periodically be
16 transferred from the clearing account to the training and building fund.

17 * Sec. 61. AS 23.20.195(d) is repealed.

18 * Sec. 62. AS 26.15.160(2) is amended to read:

19 (2) Persons are eligible who were dependent upon a member of
20 the armed forces or upon a veteran eligible for the benefits of this
21 chapter at the time of the member's or veteran's death if the member or
22 veteran was a resident of the territory for one year before entry into
23 service and died before November 5, 1975 [THE CESSATION OF THE PRESENT
24 NATIONAL EMERGENCY AS DETERMINED AND PROCLAIMED BY THE GOVERNOR].
25 Dependents shall be unmarried and the deceased veteran or member of the
26 armed forces shall have been their chief means of support and they shall
27 be either a widow, widower, minor child, or a mother, father, sister, or
28 brother incapable of self-support. Dependents shall be residents of the
29 state at the time of application and shall intend to remain residents in

1 the state permanently. The rights of minor children under this chapter
2 may be exercised only if they have no surviving parent and have an
3 appointed guardian who may apply on their behalf for the benefits of
4 this chapter for their care, support or education.

5 * Sec. 63. AS 29.48.035(a)(10) is amended to read:

6 (10) alcoholic beverages as provided by AS 04.21.010 [AS 04.-
7 15.070];

8 * Sec. 64. AS 29.63.065(c) is amended to read:

9 (c) The state shall reimburse a home rule or general law munici-
10 pality for the sewer and water assessment revenues which it would receive
11 but for the operation of this section. Reimbursement under this subsec-
12 tion is a lien in favor of the state against the property exempted to
13 the extent of the assessment against the property exempted. Upon
14 recordation in the recording office of the district in which the property
15 exempted is located the lien is prior and superior to other liens against
16 the property except for general taxes or other special assessments and
17 may be enforced by lien foreclosure [AS PROVIDED IN AS 34.10.070 -
18 34.10.220]. The lien becomes immediately due and payable

19 (1) upon sale or other transfer of the property except to a
20 spouse, widow, widower, or minor heir; however, if the property is
21 transferred to a minor heir the lien becomes due and payable on the date
22 the minor heir reaches the age of 25 years; or

23 (2) when property exempted under (a)(1) or (2) of this section
24 receives more than one sewer connection or more than one water connec-
25 tion; or

26 (3) when the claimant fails to prove eligibility under (b)(2)
27 of this section.

28 * Sec. 65. AS 29.90.010 is amended to read:

29 Sec. 29.90.010. STATE AID FOR HOSPITAL AND HEALTH FACILITY CON-

1 STRUCTION. If construction of a hospital began after January 1, 1968,
2 or if construction of a health facility began after January 1, 1968, and
3 before July 1, 1980, and state matching aid for construction approved
4 for payment to the municipality or other hospital or health facility
5 sponsor constitutes less than 25 percent of the total project cost, the
6 department shall pay to the municipality or other hospital or health
7 facility sponsor each fiscal year \$2,500 a bed for the maximum number of
8 beds provided for in the construction design of the hospital or health
9 facility or five percent of the total project cost, whichever is greater.
10 State aid provided for in this section shall continue until the munic-
11 ipality or other hospital or health facility sponsor has received an
12 amount which, combined with state matching money for construction of the
13 hospital or health facility, equals 25 percent of the total project
14 cost. Money received for construction may not be used for any other
15 purpose.

16 * Sec. 66. AS 33.30.200(2) is amended to read:

17 (2) "court" means the supreme court, the superior court, the
18 district [MAGISTRATE] court, or a justice or judge of a court;

19 * Sec. 67. AS 37.35.010 - 37.35.070 are repealed.

20 * Sec. 68. AS 38.05.351 is amended to read:

21 Sec. 38.05.351. BONA FIDE PURCHASERS. No right, title, or interest
22 of a bona fide purchaser of any lease, interest in a lease, option to
23 acquire a lease or an interest in it, acquired after the effective date
24 of issuance of the lease and held by a qualified person, association, or
25 corporation in conformity with this chapter [SECTION] shall be canceled
26 or forfeited or otherwise adversely affected by reason of the fact that
27 the holding of the person, association, or corporation from which the
28 lease, interest, or option was acquired, or of his predecessor in title
29 (including the original lessee of the state) may have been canceled or

1 forfeited, or may be or have been subject to cancellation or forfeiture.
2 If, in any proceeding for cancellation or forfeiture, an underlying
3 lease, interest, or option is canceled or forfeited to the state and
4 there are valid interests therein or valid options to acquire the lease
5 or an interest therein which are not subject to cancellation or forfei-
6 ture, the underlying lease, interest, or option shall be sold by the
7 director to the highest responsible qualified bidder by competitive
8 bidding under general competitive leasing regulations subject to all
9 outstanding valid interests therein and valid options pertaining thereto.
10 Likewise if, in any such proceeding, less than the whole interest in a
11 lease, interest, or option is canceled or forfeited to the state, the
12 partial interests so canceled or forfeited shall be sold by the director
13 to the highest responsible qualified bidder under general competitive
14 leasing regulations.

15 * Sec. 69. AS 38.35.120(a)(1) is amended to read:

16 (1) it assumes the status of and will perform all of its
17 functions undertaken under the lease as a common carrier and will accept,
18 convey, and transport without discrimination crude oil or natural gas,
19 depending on the kind of pipeline involved, delivered to it for trans-
20 portation from fields in the vicinity of the pipeline subject to the
21 lease throughout its route both on state land obtained under the lease
22 and on other land; however, a lessee who owns or operates a natural gas
23 pipeline subject to regulation either (A) under the Natural Gas Act (15
24 U.S.C. 717 et seq.) of the United States, or (B) by the state or politi-
25 cal subdivisions with respect to rates and charges for the sale of
26 natural gas, is, to the extent of that regulation, exempt from the
27 common carrier requirement in this paragraph; it will accept, convey,
28 and transport crude oil or natural gas without unjust or unreasonable
29 discrimination in favor of one producer or person, including itself, as

1 against another but will take the crude oil or natural gas, depending on
2 the kind of pipeline involved, delivered or offered, without unreasonable
3 discrimination, that the Alaska Public Utilities [PIPELINE] Commission
4 shall, after a full hearing with due notice to the interested parties
5 and a proper finding of facts, determine to be reasonable in the per-
6 formance of its duties as a common carrier;

7 * Sec. 70. AS 38.35.230(2) is amended to read:

8 (2) "coordinate agencies" includes Department of Labor,
9 Department of Highways, Department of Environmental Conservation, and
10 the Alaska Public Utilities [PIPELINE] Commission;

11 * Sec. 71. AS 38.50.130(a) is amended to read:

12 (a) In conjunction with the public notice required by AS 38.50.-
13 110, the director shall prepare and distribute the report required by
14 this section to the parties listed in AS 38.50.110(a)(2) - (8) [AS 38.-
15 50.120(a)(2) - (8)] and to any other party who requests it. The report
16 shall contain, among other things, a copy of the notice required by
17 AS 38.50.110 and a discussion in a concise format designed to facilitate
18 public understanding of the issues of

19 (1) the physical characteristics of the land involved, includ-
20 ing the surface and mineral resources associated with the land;

21 (2) the appraised fair market value of each tract involved in
22 the exchange or, if the exchange is for other than equal appraised fair
23 market value, the nonmonetary values which are involved;

24 (3) the benefits and detriments which can be expected to
25 accrue, including possible social, economic, and environmental impacts;
26 and

27 (4) alternatives to the proposed exchange.

28 * Sec. 72. AS 39.05.060(a)(7) is repealed.

29 * Sec. 73. AS 39.05.110(1) is amended to read:

1 (1) "confirmation" means confirmation or approval by the
2 legislature [OR EITHER HOUSE OF THE LEGISLATURE] of a name submitted for
3 appointment to a position or membership;

4 * Sec. 74. AS 39.05.110(2) is amended to read:

5 (2) "position or membership" means an executive position or
6 membership on a state board, commission, authority, council, or commit-
7 tee which by law requires appointment by the governor [OR OTHER AP-
8 POINTING AUTHORITY] and confirmation by the legislature [OR EITHER HOUSE
9 OF THE LEGISLATURE].

10 * Sec. 75. AS 39.20.100 is repealed.

11 * Sec. 76. AS 39.20.310(4) is repealed.

12 * Sec. 77. AS 39.20.320 is amended to read:

13 Sec. 39.20.320. ADOPTION OF REGULATIONS. The director of the
14 division of personnel [AND LABOR RELATIONS] in the Department of Admin-
15 istration shall prepare and submit regulations necessary to carry out
16 the intent of AS 39.20.200 - 39.20.330. These regulations shall include
17 provisions for crediting and, if necessary, converting accrued leave
18 when an officer or employee transfers, without break in service, between
19 a department or agency of the state government where he is subject to
20 AS 39.20.200 - 39.20.330 and a department or agency of the state govern-
21 ment where he is not subject to AS 39.20.200 - 39.20.330. These regula-
22 tions shall be submitted to the commissioner of administration [WITHIN
23 60 DAYS OF JULY 9, 1978]. The commissioner of administration shall
24 review the regulations and submit them to the personnel board. The
25 regulations, or any part of the regulations, have the force and effect
26 of law 30 days after they are submitted to the personnel board if not
27 disapproved by the personnel board. Amendments to the regulations shall
28 be prepared and submitted in the same manner, and have the force and
29 effect of law 30 days after they are submitted to the personnel board,

1 if not disapproved by the personnel board. The regulations adopted
2 under AS 39.20.200 - 39.20.330 relate to the internal management of
3 state agencies and their adoption is not subject to the provisions of
4 the Administrative Procedure Act (AS 44.62).

5 * Sec. 78. AS 39.25.180 is repealed.

6 * Sec. 79. AS 39.25.200(2) is amended to read:

7 (2) "director" means the director of the division of person-
8 nel [AND LABOR RELATIONS];

9 * Sec. 80. AS 39.30.020(a) is amended to read:

10 (a) An [A STATE] employee whose services are covered by an agree-
11 ment under AS 39.30.010 shall pay for the period of coverage, into the
12 state treasury, contributions equal to the amount of tax which would be
13 imposed by sec. 1400 of the Federal Insurance Contributions Act if the
14 services constituted employment within the meaning of that act. [THE
15 LIABILITY ARISES IN CONSIDERATION OF THE EMPLOYEE'S RETENTION IN THE
16 SERVICE OF THE STATE, OR HIS ENTRY UPON SERVICE WITH THE TERRITORY OF
17 ALASKA AFTER MARCH 23, 1951.]

18 * Sec. 81. AS 39.30.070 is amended to read:

19 Sec. 39.30.070. STUDIES AND REPORTS. The department shall make
20 studies concerning the problem of old age and survivors insurance pro-
21 tection for employees of [THE STATE AND] local governments and their
22 instrumentalities and concerning the operation of agreements made and
23 plans approved under AS 39.30.010 - 39.30.080 and shall submit a report
24 to the legislature at the beginning of each regular session covering the
25 administration and operation of AS 39.30.010 - 39.30.080 during the
26 preceding year, including recommendations for amendments to AS 39.30.-
27 010 - 39.30.080 which it considers proper.

28 * Sec. 82. AS 39.30.080(2) is amended to read:

29 (2) "employee" includes an officer of a [THE STATE OR] poli-

tical subdivision of the state;

* Sec. 83. AS 39.30.080(3) is amended to read:

(3) "employment" means any service performed by an employee of [THE STATE, OR] a political subdivision of the state, except (A) service which in the absence of an agreement entered into under AS 39.-30.010 - 39.30.080 would constitute "employment" as defined in the Social Security Act; or (B) service which under the Social Security Act may not be included in an agreement between the state and the Federal Security Administrator entered into under AS 39.30.010 - 39.30.080;

* Sec. 84. AS 39.35.350(a) is amended to read:

(a) An employee who receives a refund of contributions in accordance with AS 39.35.200 forfeits corresponding credited service under this chapter.

* Sec. 85. AS 39.35.470 is repealed.

* Sec. 86. AS 39.50.200(b)(14), (27), and (28) are repealed.

* Sec. 87. AS 41.17.040(a) is amended to read:

(a) The Board of Forestry is established in the Department of Natural Resources, division of forestry [FOREST, LAND, AND WATER MANAGEMENT].

* Sec. 88. AS 41.17.950(5) is amended to read:

(5) "division" means the division of forestry [FOREST, LAND, AND WATER MANAGEMENT];

* Sec. 89. AS 42.05.711(i) is amended to read:

(i) A [ON JUNE 30, 1980, A] utility which furnishes collection and disposal service of garbage, refuse, trash, or other waste material and has annual gross revenues of \$200,000 or less is exempt from the provisions of this chapter, other than the certification provisions of AS 42.05.221 - 42.05.281, unless 25 percent of the subscribers or subscribers representing 25 percent of the gross revenue of the utility petition the

1 commission for regulation.

2 * Sec. 90. AS 42.06.310(c) is amended to read:

3 (c) Every common carrier shall, when ordered [ORDER] by the Alaska
4 Public Utilities [PIPELINE] Commission, extend or enlarge its pipeline
5 or storage facilities provided the extension or enlargement shall be
6 found to be reasonable and required in the public interest and that the
7 expense involved will not impair the ability of the common carrier or
8 public utility to perform its duty to the public.

9 * Sec. 91. AS 43.21.020(b) is amended to read:

10 (b) Gross income of a corporation from oil and gas production
11 shall be the gross value at the point of production of oil or gas pro-
12 duced from a lease or property in the state. The department shall by
13 regulation determine a uniform method of establishing the gross value at
14 the point of production. In making its determination the department may
15 use the actual prices or values received for the oil or gas, the posted
16 prices for the oil or gas in the same field, or the prevailing prices or
17 values of oil or gas in the same field. In addition, in its determina-
18 tion of gross value at the point of production of oil or gas produced
19 from a lease or property, the department shall determine the reasonable
20 costs of transportation from the point of sale to the point of produc-
21 tion of the oil or gas. Transportation costs set by a tariff properly
22 on file with the Alaska Public Utilities [PIPELINE] Commission or other
23 regulatory agency shall be considered prima facie reasonable, but if a
24 tariff properly on file with a regulatory agency is subsequently amended,
25 changed, or overturned retroactively, the reasonable costs of transpor-
26 tation shall be recomputed for that period using the newly determined
27 tariff.

28 * Sec. 92. AS 43.55.150(b) is amended to read:

29 (b) If the department finds that the conditions in (a)(1), (2),

1 and (3) of this section are present, the department shall determine the
2 reasonable costs of transportation, using the fair market value of like
3 transportation, the fair market value of equally efficient and available
4 alternative modes of transportation, or other reasonable methods. Trans-
5 portation costs fixed by tariff rates properly on file with the Alaska
6 Public Utilities [PIPELINE] Commission or other regulatory agency shall
7 be considered prima facie reasonable.

8 * Sec. 93. AS 43.75.020(b) is amended to read:

9 (b) Upon receipt of the application in proper form accompanied by
10 the initial fee [,] the department shall issue the license [AS OF THE
11 DATE THE APPLICATION IS FILED OR MAILED, AND THE APPLICANT MAY CARRY ON
12 THE BUSINESS FROM THE DATE THE APPLICATION WAS ACTUALLY MADE].

13 * Sec. 94. AS 43.80.035(b)(1) is amended to read:

14 (i) issue summons [SUBPOENAS] under AS 43.05.040 to compel
15 the testimony of witnesses and the production of records and documents
16 necessary to obtain and audit reports and information on wholesale
17 prices of salmon when required under (a) of this section;

18 * Sec. 95. AS 44.19.028 is amended to read:

19 Sec. 44.19.028. INTERIM BOARDS. The governor may establish the
20 interim advisory boards, councils, and commissions he considers neces-
21 sary. The governor may prescribe the functions and authority of interim
22 boards, councils, and commissions and fix the compensation of their
23 members. An interim board, council, or commission remains in existence
24 only until the adjournment of the next regular or reconvened session of
25 the legislature.

26 * Sec. 96. AS 44.19.084 - 44.19.100 are repealed.

27 * Sec. 97. AS 44.27.060(b) is amended to read:

28 (b) The commissioner of a department responsible for the design
29 and construction of a building or facility shall deposit into the art in

1 public places fund one percent of the construction cost of a building or
2 facility if the building or facility [WHICH] is exempt from the require-
3 ments of AS 35.27 and the exemption is because

4 (1) the estimated construction cost of the building or facil-
5 ity is less than \$250,000; or

6 (2) the building or facility is not designed for substantial
7 public use.

8 * Sec. 98. AS 44.29.020(12) is amended to read:

9 (12) aid to families with dependent children;

10 * Sec. 99. AS 44.37.100 - 44.37.180 are repealed.

11 * Sec. 100. AS 44.47.565 is amended to read:

12 Sec. 44.47.565. LOCAL BOUNDARY COMMISSION. There is in the Depart-
13 ment of Community and Regional Affairs a local boundary commission. The
14 local boundary commission consists of five members appointed by the
15 governor for overlapping five-year terms. One member shall be appointed
16 from each of the four judicial [MAJOR SENATORIAL ELECTION] districts
17 described in AS 22.10.010 and one member shall be appointed from the
18 state at large. The member appointed from the state at large is the
19 chairman of the commission.

20 * Sec. 101. AS 44.62.130(b) is amended to read:

21 (b) The Department of Law [LEGISLATIVE COUNCIL] shall prescribe a
22 uniform system of indexing, numbering, arrangement of text, and citation
23 of authority and history notes for the Alaska Administrative Code.

24 * Sec. 102. AS 44.74.070(a) is amended to read:

25 (a) The commissioner of transportation and public facilities
26 [COMMISSIONERS OF THE DEPARTMENT OF PUBLIC WORKS AND THE DEPARTMENT OF
27 HIGHWAYS] may transfer directly to a political subdivision of the state,
28 including a village organized under Federal Act of June 18, 1934 (48
29 Stat. 984), as amended by the Act of May 1, 1936 (49 Stat. 1250), the

1 title to automotive and construction equipment which can be used in the
2 maintenance or construction of roads and airports.

3 * Sec. 103. AS 44.74.070(c) is amended to read:

4 (c) The commissioner [COMMISSIONERS] may transfer equipment which
5 in his [THEIR] judgment is not economically repairable or is obsolete,
6 without regard to (b) of this section.

7 * Sec. 104. AS 44.74.070(d) is amended to read:

8 (d) The commissioner [COMMISSIONERS] shall determine how the
9 equipment is to be allocated in the best interests of the state. The
10 commissioner [COMMISSIONERS] may adopt [PROMULGATE] necessary regula-
11 tions to implement AS 44.74.070 and 44.74.080.

12 * Sec. 105. AS 45.03.419(a)(3) is amended to read:

13 (3) it is paid on a forged indorsement [INSTRUMENT].

14 * Sec. 106. AS 45.50.010(5)(C) is amended to read:

15 (C) is primarily merely a surname; however, this does
16 not prevent the registration of a mark used in the state by the
17 applicant which has become distinctive of the applicant's goods; as
18 evidence that the mark has become distinctive, the commissioner
19 [SECRETARY OF STATE] may accept proof of continuous use of the mark
20 as a mark by the applicant in this state or elsewhere for the five
21 years preceding the date of the filing of the application for
22 registration; or

23 * Sec. 107. AS 45.55.200(a) is amended to read:

24 (a) Whenever it appears to the administrator that a person has
25 engaged or is about to engage in an act or practice in violation of any
26 provision of this chapter or rule or order under this chapter, the
27 administrator may

28 (1) [IF IT IS CONSIDERED] in the public interest or for the
29 protection of investors, issue an order (A) directing the person to

1 cease and desist from continuing the act or practice, (B) directing the
2 person, for a period not to exceed three years, to file the annual
3 reports, proxies, consents or authorizations, proxy statements, or other
4 materials relating to proxy solicitations required under AS 45.55.139
5 with the administrator for examination and review 10 working days before
6 a distribution to shareholders, and (C) voiding any proxies obtained by
7 a person required to file under AS 45.55.139, including their future
8 exercise or actions resulting from their past exercise, if the proxies
9 were solicited by means of an untrue or misleading statement prohibited
10 under AS 45.55.160; or

11 (2) bring an action in the superior court to enjoin the acts
12 or practices and to enforce compliance with this chapter or rule or
13 order under this chapter, and upon a proper showing, the appropriate
14 remedy shall be granted and a receiver or conservator may be appointed
15 for the defendant or the defendant's assets; the court may not require
16 the administrator to post a bond.

17 * Sec. 108. AS 45.95.020(c) is repealed.

18 * Sec. 109. AS 46.03.290(a) is amended to read:

19 (a) When the department finds that an actual or imminent discharge
20 of low level radioactive materials [RADIONUCLIDES] to the air, water,
21 land or subsurface land of the state poses an immediate threat to the
22 public health or welfare, or the environment of the state, it may issue
23 an order declaring an emergency and directing a person or persons to
24 take action the department believes necessary to meet the emergency, and
25 protect the public health, welfare, or environment.

26 * Sec. 110. AS 46.03.758(k) is amended to read:

27 (k) Penalties [NOTWITHSTANDING AS 30.25.220(b), PENALTIES] received
28 by the state under this section shall be deposited in the general fund
29 and credited to a special account called the "oil spill mitigation

1 account". The legislature may annually appropriate from the oil spill
2 mitigation account a sum equivalent to the amount of penalties received
3 under this section for the calendar year preceding the legislative
4 session in which the appropriation is made, the appropriations to be
5 made for the purpose of restoring and enhancing environments affected by
6 oil pollution, including but not limited to the funding of aquaculture
7 projects.

8 * Sec. 111. AS 46.03.780(a) is amended to read:

9 (a) A person who violates a provision of this chapter or AS 43.04
10 [AS 30.25], or who fails to perform a duty imposed by this chapter or
11 AS 43.04 [AS 30.25], or violates or disregards an order, permit, or
12 other determination of the department made under the provisions of this
13 chapter or AS 43.04 [AS 30.25], respectively, and thereby causes the
14 death of fish, animals, or vegetation or otherwise injures or degrades
15 the environment of the state is liable to the state for damages.

16 * Sec. 112. AS 46.03.790(d) is amended to read:

17 (d) A person who fails to provide or falsely states information
18 required under AS 46.03.755 or AS 46.04 [AS 30.25] is guilty of a misde-
19 meanor and, upon conviction, is punishable by a fine of not more than
20 \$25,000, or by imprisonment for not more than one year, or by both. Each
21 unlawful act constitutes a separate offense.

22 * Sec. 113. AS 46.03.850(a) is amended to read:

23 (a) When, in the opinion of the department, a person is violating
24 or is about to violate a provision of this chapter or AS 46.04 [AS 30.-
25 25], or a regulation or lawful order of the department, or a permit or
26 certificate, or a term or condition of a permit or certificate issued by
27 the department under this chapter or AS 46.04 [AS 30.25], the department
28 may notify the person of its determination by personal service or certi-
29 fied mail. The determination and notice do not constitute an order

1 under AS 46.03.820.

2 * Sec. 114. AS 46.03.875 is amended to read:

3 Sec. 46.03.875. REMEDIES CUMULATIVE. All remedies provided by
4 this chapter or AS 46.04 [AS 30.25] are cumulative, and the securing of
5 relief, whether injunctive, civil or criminal, under a section of this
6 chapter or AS 46.04 [AS 30.25] does not stop the state from obtaining
7 relief under any other section of this chapter or AS 46.04 [AS 30.25].

8 * Sec. 115. AS 46.03.900(10) is amended to read:

9 (10) "motor vehicle" has the same meaning as in AS 28.35.-
10 260(a) [AS 28.20.630];

11 * Sec. 116. AS 46.03.900(25) is repealed.

12 * Sec. 117. AS 46.04.040(c)(2) is amended to read:

13 (2) for any other oil barge, the amount required by sec.
14 311(p)(1) [311(b)(1)] of the Clean Water Act, or \$1,000,000, whichever
15 is greater;

16 * Sec. 118. AS 46.04.040(c)(3) is amended to read:

17 (3) for any other tank vessels, the amount required by sec.
18 311(p)(1) [311(b)(1)] of the Clean Water Act, or \$20,000,000, whichever
19 is greater.

20 * Sec. 119. AS 46.35.090(e) is amended to read:

21 (e) The commissioner, after consultation with other state agencies
22 and local governments, shall adopt regulations governing the conduct of
23 adjudicatory hearings under this section. The commissioner may enter
24 into cooperative agreements with local governments and federal agencies
25 for the joint holding of adjudicatory hearings. To the extent feasible,
26 regulations adopted under this section shall conform to adjudicatory
27 hearing procedures for the review of permit decisions under [AS 30.25
28 AND] AS 46.03 and AS 46.04. Notwithstanding AS 44.62.330(a)(44),
29 adjudicatory hearing procedures to review permit decisions under this

chapter, or under [AS 30.25 OR] AS 46.03 or AS 46.04, need not conform to the Administrative Procedure Act (AS 44.62.330 et seq).

* Sec. 120. AS 47.05.010(1) is amended to read:

(1) administer old age assistance, aid to families with dependent children, aid to the blind, and all other assistance programs, and receive and spend funds made available to it;

* Sec. 121. AS 47.05.010(2) is amended to read:

(2) adopt regulations necessary for the conduct of its business and for carrying out federal and state laws granting old age assistance, aid to families with dependent children, aid to blind persons and other assistance;

* Sec. 122. AS 47.05.010(5) is amended to read:

(5) cooperate with the federal government in matters of mutual concern pertaining to old age assistance, aid to families with dependent children, aid to blind persons and other forms of public assistance;

* Sec. 123. AS 47.37.070 is amended to read:

Sec. 47.37.070. COMPOSITION. The [ADVISORY] board [ON ALCOHOLISM] consists of nine members appointed by the governor.

* Sec. 124. AS 47.37.100 is amended to read:

Sec. 47.37.100. COMPENSATION, PER DIEM, OR EXPENSES. Members of the [ADVISORY] board [ON ALCOHOLISM] are not entitled to a salary, but are entitled to per diem, reimbursement for travel, and other expenses authorized by law for other boards.

* Sec. 125. Sections 26, 27, and 28 of this Act are retroactive to July 1, 1981.

* Sec. 126. This Act takes effect immediately in accordance with AS 01.-10.070(c).